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| Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Geoffrey G. Melkonian, Esq. Law Offices of Geoffrey G. Melkonian 15760 Ventura Blvd., Ste 2010 Encino, CA 91436 (818) 784-6084 - Telephone (818) 784-6087 - Fax geoffrey@melkonianlaw.com SBN209694 <input type="checkbox"/> Respondent appearing without attorney <input checked="" type="checkbox"/> Attorney for Respondent: | FOR COURT USE ONLY |
| UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION | |
| In re: Lloyd Brown, Jr. Debtor(s). | CASE NO.: 2:22-bk-15437 CHAPTER: 13 |
| | RESPONSE TO MOTION REGARDING THE AUTOMATIC STAY AND DECLARATION(S) IN SUPPORT |
| | DATE: 6/27/2023 TIME: 10:00 AM COURTROOM: 1368 PLACE: 255 East Temple Street Los Angeles, CA 90012 |
| Movant: The Bank of New York Mellon aka The Bank of New York, as Trustee for the certificate holders of CWMBS, Inc, CHL Mortgage Pass-Through Trust 2007-11 Mortgage Pass-Through Certificates, Series 2007-11 | |

Respondent: ☒ Debtor ☐ trustee ☐ other:

NOTE REGARDING FILING AND SERVICE OF RESPONSE, EXHIBITS AND DECLARATIONS:

A copy of the Response, exhibit(s) and declaration(s) must be served upon:

- (1) Movant's attorney (or Movant, if Movant does not have an attorney);
- (2) the trustee; and
- (3) the judge who presides over this bankruptcy case.

Then the document must be filed with the court.

1. ☐ **NONOPPOSITION**

The Respondent does not oppose the granting of the Motion.

2. ☐ **LIMITED OPPOSITION**

- a. ☐ Respondent opposes the Motion only to the extent that it seeks immediate relief from stay. Respondent requests that no lock out, foreclosure, or repossession take place before (*date*): _____ and the reason for this request is (*specify*): _____
- b. ☐ As set forth in the attached declaration of the Respondent or the Debtor, the motion is opposed only to the extent that it seeks a specific finding that the Debtor was involved in a scheme to hinder, delay or defraud creditors.
- The Debtor:
- (1) ☐ has no knowledge of the Property.
- (2) ☐ has no interest in the Property.
- (3) ☐ has no actual possession of the Property.
- (4) ☐ was not involved in the transfer of the Property.
- c. ☐ Respondent opposes the Motion and will request a continuance of the hearing since there is an application for a loan modification under consideration at this time. Evidence of a pending loan modification is attached as Exhibit _____.

3. ☒ **OPPOSITION:** The Respondent opposes granting of the Motion for the reasons set forth below.

- a. ☐ The Motion was not properly served (*specify*):
- (1) ☐ Not all of the required parties were served.
- (2) ☒ There was insufficient notice of the hearing.
- (3) ☐ An incorrect address for service of the Motion was used for (*specify*): _____
- b. ☒ Respondent disputes the allegations/evidence contained in the Motion and contends as follows:
- (1) ☐ The value of the Property is \$ _____, based upon (*specify*): _____
- (2) ☐ Total amount of debt (loans) on the Property is \$ _____.
- (3) ☒ More payments have been made to Movant than the Motion accounts for. True and correct copies of canceled checks proving the payments that have been made are attached as Exhibit ¹_____.
- (4) ☐ There is a loan modification agreement in effect that lowered the amount of the monthly payments. A true and correct copy of the loan modification agreement is attached as Exhibit _____.
- (5) ☐ The Property is necessary for an effective reorganization. Respondent filed or intends to file a plan of reorganization that requires use of the Property. A true and correct copy of the plan is attached as Exhibit _____.
- (6) ☐ The Property is fully provided for in the chapter 13 plan and all postpetition plan payments are current. A true and correct copy of the chapter 13 plan is attached as Exhibit _____ and proof that the plan payments are current through the chapter 13 trustee is attached as Exhibit _____.
- (7) ☐ The Property is insured. Evidence of current insurance is attached as Exhibit _____.

- (8) ☐ Movant's description of the status of the unlawful detainer proceeding is not accurate.
- (9) ☐ Respondent denies that this bankruptcy case was filed in bad faith.
- (10) ☐ The Debtor will be prejudiced if the Nonbankruptcy Action is allowed to continue the nonbankruptcy forum.
- (11) ☒ Other (*specify*): Debtor was inadvertently making current Mortgage Payments to the trustee each month rather than sending directly to Lender. (See Ex. 1 - Trustee Account Ledger). Debtor paid a total of \$33,501.06 to Trustee rather than \$17,106.00 as required pursuant to Chapter 13 plan.

c. ☒ Respondent asserts the following as shown in the declaration(s) filed with this Response:

- (1) ☐ The bankruptcy case was converted from chapter ____ to chapter ____.
- (2) ☒ All postpetition arrearages will be cured by the hearing date on this motion.
- (3) ☒ The Property is fully provided for in the chapter 13 plan and all postpetition plan payments
☐ are current, or ☒ will be cured by the hearing date on this motion.
- (4) ☐ The Debtor has equity in the Property in the amount of \$ _____.
- (5) ☐ Movant has an equity cushion of \$ _____ or _____% which is sufficient to provide adequate protection.
- (6) ☐ The Property is necessary for an effective reorganization because (*specify*):
- (7) ☐ The motion should be denied because (*specify*):
- (8) ☐ An optional memorandum of points and authorities is attached in support of this Response.

4. EVIDENCE TO AUTHENTICATE EXHIBITS AND TO SUPPORT FACTS INSERTED IN THE RESPONSE:

Attached are the following documents in support of this Response:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Declaration by the Debtor | <input checked="" type="checkbox"/> Declaration by the Debtor's attorney |
| <input type="checkbox"/> Declaration by trustee | <input type="checkbox"/> Declaration by trustee's attorney |
| <input type="checkbox"/> Declaration by appraiser | <input checked="" type="checkbox"/> Other (<i>specify</i>): See Ex. 1 - Trustee Account Ledger |

Date: 6/13/23

Law Offices of Geoffrey G. Melkonian

Printed name of law firm for Respondent (if applicable)

Geoffrey G. Melkonian, Esq.

Printed name of individual Respondent or attorney for Respondent

Signature of individual Respondent or attorney for Respondent

DECLARATION OF GEOFFREY G. MELKONIAN, ESQ.

I, Geoffrey G. Melkonian, Esq. declare that:

1. I am an attorney admitted to practice before all the courts of the State of California and the Central District of California and am a Partner of the Law Offices of Geoffrey G. Melkonian, attorneys of record for Debtor in this matter. I am the attorney primarily responsible for the litigation of this action. Unless otherwise stated on information and belief, I have personal knowledge of the facts set forth herein and, if called upon, could and would testify competently thereto.
2. This declaration is filed in response and opposition to the Movant's Motion for Relief from Automatic Stay with regard to Case No. 2:22-bk-15437.
3. Debtor was inadvertently making current Mortgage Payments to the trustee each month rather than sending directly to Lender. Debtor paid a total of \$33,501.06 to Trustee rather than \$17,106.00 as required pursuant to Chapter 13 plan. (See Ex. 1 - Trustee Account Ledger).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed this 13th day of June, 2023, at Los Angeles, California.



Geoffrey G. Melkonian, Esq.

EX. “1”

Account Ledger

Main Document Page 6 of 8

Case 2215437 Debtor1 LLOYD GEORGE JR. BROWN Trustee CURRY, NANCY (LOS ANGELES, CA)

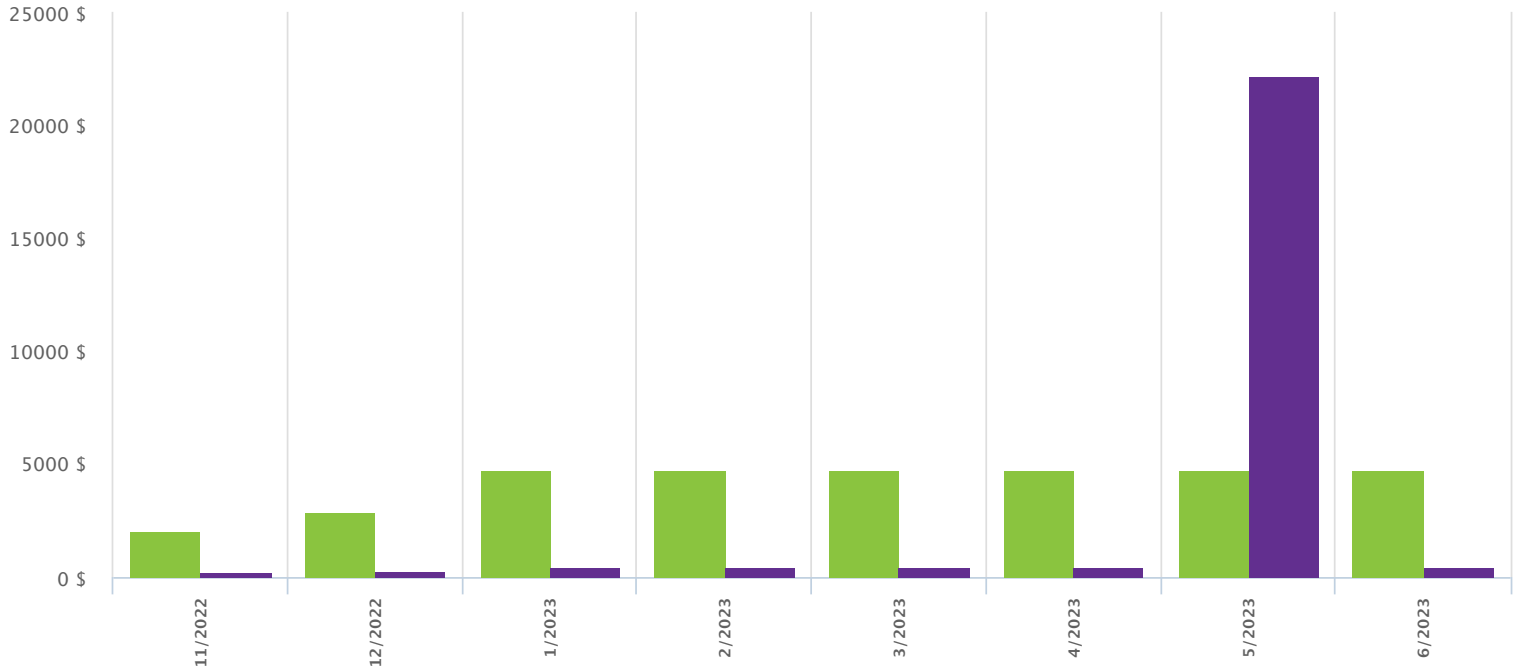
Filter By

All Claims

All Payees

All Transactions

All Time

Receipts & Disbursements**RECEIPTS****DISBURSEMENTS**

| DATE PAID ▼ | CLAIM NUMBER | CHECK NUMBER | NAME OF PARTY | DESCRIPTION | AMOUNT |
|----------------|----------------------|--------------|----------------------|--------------------------------|-------------|
| 06/08/2023 | | 0000000 | NANCY CURRY, TRUSTEE | DISBURSEMENT CHECK (PRINCIPAL) | -\$455.19 |
| 06/08/2023 | | | N/A | TFS BILLPAY | \$4791.51 |
| 05/23/2023 | 6660 | 0839388 | GEOFFREY G MELKONIAN | DISBURSEMENT CHECK (PRINCIPAL) | -\$1750.00 |
| 05/23/2023 | 3010 | 0839061 | NEWREZ LLC | DISBURSEMENT CHECK (PRINCIPAL) | -\$19939.49 |
| 05/09/2023 | | 0000000 | NANCY CURRY, TRUSTEE | DISBURSEMENT CHECK (PRINCIPAL) | -\$450.61 |
| 05/09/2023 | | | N/A | TFS BILLPAY | \$4743.26 |
| 04/10/2023 | | | N/A | TFS BILLPAY | \$4743.26 |
| 04/10/2023 | | 0000000 | NANCY CURRY, TRUSTEE | DISBURSEMENT CHECK (PRINCIPAL) | -\$450.61 |
| 03/08/2023 | | 0000000 | NANCY CURRY, TRUSTEE | DISBURSEMENT CHECK (PRINCIPAL) | -\$450.61 |
| 03/08/2023 | | | N/A | TFS BILLPAY | \$4743.26 |
| 02/08/2023 | | | N/A | TFS BILLPAY | \$4743.26 |
| 02/08/2023 | | 0000000 | NANCY CURRY, TRUSTEE | DISBURSEMENT CHECK (PRINCIPAL) | -\$450.61 |
| 01/10/2023 | | 0000000 | NANCY CURRY, TRUSTEE | DISBURSEMENT CHECK (PRINCIPAL) | -\$450.61 |
| 01/10/2023 | | | N/A | TFS BILLPAY | \$4743.26 |

| | | | | |
|------------|---------|----------------------|--------------------------------|------------------|
| 12/12/2022 | 0000000 | NANCY CURRY, TRUSTEE | DISBURSEMENT CHECK (PRINCIPAL) | -\$275.81 |
| 12/12/2022 | | N/A | TFS BILLPAY | \$2903.25 |
| 11/29/2022 | 0000000 | NANCY CURRY, TRUSTEE | DISBURSEMENT CHECK (PRINCIPAL) | -\$198.55 |
| 11/29/2022 | | N/A | TFS BILLPAY | \$2090.00 |

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
15760 Ventura Blvd., Ste 2010, Encino, CA 91436

A true and correct copy of the foregoing document entitled: **RESPONSE TO MOTION REGARDING THE AUTOMATIC STAY AND DECLARATION(S) IN SUPPORT** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 6/13/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:
Nancy K Curry (TR) - trustee13la@aol.com - (Trustee)
United States Trustee (LA) - ustpregion16.la.ecf@usdoj.gov - (U.S. Trustee)
Melissa N. Licker - mlicker@hillwallack.com - THE BANK OF NEW YORK MELLON Daniel I Singer - dsinger@sokrem.com - THE BANK OF NEW YORK MELLON

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* 6/13/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Vincent P. Zurzolo
United States Bankruptcy Court / Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1360 / Courtroom 1368
Los Angeles, CA 90012

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

6/13/2023 Geoffrey G. Melkonian, Esq.

Date

Printed Name


Signature